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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,413	02/13/2004	Edwin A. Kauppila	40297-0001	7774

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SOUTH JORDAN, UT 84095

EXAMINER
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CONTEE, JOY KIMBERLY

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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09/11/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/779,413

Applicant(s)

KAUPPILA, EDWIN A.

Examiner

Joy K. Contee

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-31 is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Sato, US 6,704,040.

Regarding claim 1, Sato discloses a method for transmitting surveillance image data over a wireless network comprising (see col. 1, 54-58):

associating an authorized identification (reads on password) with a surveillance device (reads on cellular phone) (col. 4, lines 57-63 and col. 5, lines 1-3); and

transmitting said surveillance image data and said authorized identification to a mobile telecommunications switching station (col. 5, line 1 to col. 6, line 20).

Regarding claim 2, Sato discloses the method of claim 1, further comprising: checking said authorized identification against a list of authorized identifications (i.e., reads on determining a true authentication); and if said authorized identification corresponds to an authorized identification from said list, transmitting said surveillance image data to a wireless device (col. 5, line 1 to col. 6, line 20).

Regarding claim 3, Sato discloses the method of claim 2, wherein said transmitting said surveillance image to a wireless device comprises transmitting said surveillance image data over a radio frequency link (col. 2, lines 30-39).

Regarding claim 4, Sato discloses the method of claim 2, wherein said wireless device comprises one of a cellular telephone, a personal digital assistant (PDA), a pager, a laptop computer, or a pocket personal computer (PC) (col. 2, lines 30-39).

***C laim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5,8-9,11-16 are rejected under 35 U.S.C. 103(a) as being anticipated by Sato, in view of Smetters et al., US 2004/0266449.

Regarding claim 5, Sato discloses the method of claim 1, but fails to explicitly disclose wherein said authorized identification is authorized as an image transmission source by a plurality of wireless service providers.

In a similar field of endeavor, Smetters discloses wherein said authorized identification is authorized as an image transmission source by a plurality of wireless service providers (page 4 [0041,0056-0057] and page 9 [0119-0123]).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Sato to include a plurality of wireless service providers able to authorize identification since in Sato the cellular phone uses W-CDMA and is mobile.

Regarding claim 9, Sato discloses a method for assuring transmission of surveillance image data to a wireless device comprising: assigning a unique identification to an image generating surveillance device (col. 5, line 1 to col. 6, line 20).

Sato fails to explicitly disclose obtaining recognition from a plurality of service providers of said unique identification as an approved image source.

In a similar field of endeavor, Smetters discloses obtaining recognition from a plurality of service providers of said unique identification as an approved image source (page 4 [0041,0056-0057] and page 9 [0119-0123]).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Sato to include a plurality of wireless service providers able to authorize identification since in Sato the cellular phone uses W-CDMA and is mobile.

Regarding claim 11, Sato and Smetters disclose the method of claim 9, further comprising transmitting said unique identification with said surveillance image data (see Sato, (col. 5, line 1 to col. 6, line 20).

Regarding claim 12, Sato and Smetters disclose the method of claim 11, further comprising: transmitting said unique identification to a mobile telecommunications switching station; and checking said unique identification against a list of approved identifications at said mobile telecommunications switching station (see Smetters, page 4 [0041,0056-0057] and page 9 [0119-0123]).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Sato to include a plurality of wireless service providers able to authorize identification since in Sato the cellular phone uses W-CDMA and is mobile.

Regarding claim 13, Sato and Smetters disclose the method of claim 12, wherein if said unique identification corresponds to an approved identification on said list of approved identifications, transmitting said surveillance image data to a wireless communication device (see Smetters, (page 4 [0041,0056-0057] and page 9 [0119-0123])).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Sato to include a plurality of wireless service providers able to authorize identification since in Sato the cellular phone uses W-CDMA and is mobile.

Regarding claim 14, Sato and Smetters disclose the method of claim 13, wherein said wireless device comprises one of a cellular telephone, a personal digital assistant (PDA), a pager, a laptop computer, or a pocket personal computer (PC) (see Sato, col. 2, lines 30-39).

Regarding claim 15, Sato and Smetters disclose the method of claim 9, wherein said unique identification is stored in a memory storage device of said image generating surveillance device (see Sato, col. 4, lines 7-24).

Regarding claims 8 & 16, Sato and Smetters disclose the method of claims 1 & 11, wherein said unique identification and said surveillance image data are transmitted over a standard telephone line (see Smetters page [0138-0140]).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Sato to include transmitting the password and surveillance image over a standard line as shown in Smetters since a secure method is taught for transmission over a wired lines as well as wireless.

6. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato, in view of Verdonk, US Patent No. 6,332,075.

Regarding claim 6, Sato discloses the method of claim 1, but fails to disclose wherein said authorized identification comprises an electronic serial number.

In a similar field of endeavor, Verdonk discloses wherein said authorized identification comprises an electronic serial number (col. 4, lines 21-31).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Sato to include an authorized ESN for the purpose of identifying and approving a cellular phone or surveillance device.

Regarding claim 7, Sato and Verdonk disclose the method of claim 6, wherein said electronic serial number is stored in a memory storage (reads on profile) device associated with said surveillance device (see Verdonk, col. 4, lines 21-31).

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato and Smetters, in view of Verdonk, US Patent No. 6,332,075.

Regarding claim 10, Sato and Smetters disclose the method of claim 9, but fail to disclose wherein said unique identification comprises an electronic serial number. In a similar field of endeavor, Verdonk discloses wherein said authorized identification comprises an electronic serial number (col. 4, lines 21-31).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Sato and Smetters to include an authorized ESN for the purpose of identifying and approving a cellular phone or surveillance device.

***Allowable Subject Matter***

8. Claims 17-31 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The closest prior art of record, Smetters, discloses a residence alerting device which transmits over a private network; however, it is not found in prior art, wherein monitoring a residence comprises generating a triggered initialized digital image in a surveillance device wherein the trigger is sent over a private network and the image transmission is allowed regardless of a service provider of said wireless communication.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K. Contee whose telephone number is 571.272.7906. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571.272.7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC

  
**JOY K. CONTER**  
**PATENT EXAMINER**